

1 LAURENCE H. OLIVE, ESQ. (LO-5598)  
2 128 Mott Street – Suite 706  
3 New York, New York 10013  
4 212-608-1818  
5 212-608-0505 (fax)  
6 Larry@OliveLaw1.com

7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF NEW YORK**  
10

11 SHUIFA YING.,

12 Plaintiff,

CASE NO.  
08 CIV. 4282 (PKC)

13 -against-

14 CHINA CHEF, INC.,  
15 SHIZHONG OU, and LIMING HUANG,  
16 Defendants.

17 **DEFENDANTS' NOTICE OF MOTION**  
18 **FOR DISMISSAL OR CHANGE OF**  
19 **VENUE**

20 **PLEASE TAKE NOTICE** that upon the annexed Affidavit of Shi Zhong Ou,  
21 Affirmation of Laurence H. Olive, Esq., and upon the accompanying Memorandum of Law in  
22 support of the motion, and the pleadings herein, defendants, by and through their undersigned  
23 attorney, Laurence H. Olive, Esq., file this Motion To Dismiss or for Change of Venue before  
24 the Honorable P. Kevin Castel as follows:

25 I.

26 Defendants are charged with one count of violating state and federal law as to payment of  
27 minimum wages, and a final count of discrimination and other various torts.

28 II.

29 Defendants seek to either dismiss plaintiff's claim pursuant to F.R.C.P 12(b) or to change  
30 the venue of these causes from the Southern District of New York to some other United States  
31  
32

1 District Court in the State of Alabama since Alabama is the more appropriate state where the  
2 claims should be heard.  
3

4 III.

5 Defendants seek dismissal pursuant to F.R.C.P. 12 (b)(1), (3) and (6) based upon lack of  
6 subject matter jurisdiction, improper venue, and failure to state a claim upon which relief can be  
7 granted.  
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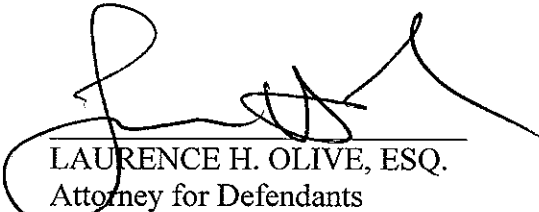
9 IV.

10 In the alternative, Defendants seek transfer pursuant to 28 U.S.C. §1404 based upon (1)  
11 the convenience of the parties; (2) the convenience of the witnesses; (3) the location of relevant  
12 documents and the relative ease of access to those sources of proof; (4) the situs of the operative  
13 events in issue; (5) the availability of process to compel the attendance of unwilling witnesses;  
14 (6) the relative means of the parties; (7) the comparative familiarity of each district with the  
15 governing law; (8) the weight accorded a plaintiff's choice of forum; and (9) judicial efficiency  
16 and the interests of justice.  
17  
18  
19

20 For these reasons, Defendants respectfully request that this case either be dismissed or be  
21 transferred to the District of Alabama for trial.  
22

23 **I declare under penalty of perjury that the foregoing is true and correct.**

24  
25 Dated: New York, New York  
26 June 17, 2008

27   
28 LAURENCE H. OLIVE, ESQ.  
29 Attorney for Defendants  
30 128 Mott Street – Suite 706  
31 New York, NY 10013  
32 (T)212-608-1818  
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08 CIV. 4282 (PKC)

12 -against-

13 CHINA CHEF, INC.,  
14 SHIZHONG OU, and LIMING HUANG,  
15 Defendants.

16 **MEMORANDUM OF LAW IN**  
17 **SUPPORT OF MOTION FOR**  
18 **DISMISSAL OR CHANGE OF VENUE**

19 TO: HONORABLE P. KEVIN CASTEL,  
20 Judge of the United States District Court for the Southern District of New York

21 Defendants, by and through their undersigned attorney, Laurence H. Olive, Esq., file this  
22 Memorandum of Law in Support of their Motion To Dismiss or for Change of Venue and would  
23 show this Honorable Court as follows:  
24

25 I- DISMISSAL

26 Plaintiff's complaint fails to establish to basis for federal court jurisdiction and venue.  
27 Exhibit "A". What is clear from the complaint is that the plaintiff with unstated residency  
28 worked for the defendants in Alabama. The defendants are residents of Alabama and were  
29 served in Alabama.  
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1 Plaintiff's First Cause of Action seems to allege underpayment of wages in the amount of  
2 \$33,241.40. This claim fails to meet the minimum damages requirement contained in 28 U.S.C.  
3 §1332(a) of \$75,000.00. Plaintiff fails to allege in paragraph 7(b), (c) and (d) how claims for  
4 medical expenses, pain and suffering and disability support are violative of federal law. If  
5 anything, these potential claims should be filed as workers' compensation claims in Alabama.  
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8 Plaintiff's Second Cause of Action is a hodgepodge of claims with no specific statutory  
9 or constitutional citation. Plaintiff appears to allege some form of racial discrimination,  
10 involuntary servitude, false imprisonment and emotional distress.  
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12 Plaintiff fails to establish his residency so the Court must dismiss for lack of jurisdiction,  
13 and failure to state a claim upon which relief can be granted.  
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15 The only New York connection stated in the complaint is the medical treatment alleged to  
16 have been received in New York City in paragraph 3 of the complaint. Since it appears to be  
17 workers' compensation related, the expenses may be unauthorized by the workers' compensation  
18 carrier.  
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20 Plaintiff has violated F.R.C.P. 8(a)(1) by failing to state the grounds for federal court  
21 jurisdiction.  
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## 23 II - CHANGE OF VENUE

24 The Court must weigh certain factors in determining the correct venue for this matter,  
25 should it not be dismissed. As per 28 U.S.C. §1404, those factors are as follows: (1) the  
26 convenience of the parties; (2) the convenience of the witnesses; (3) the location of relevant  
27 documents and the relative ease of access to those sources of proof; (4) the situs of the operative  
28 events in issue; (5) the availability of process to compel the attendance of unwilling witnesses;  
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1 governing law; (8) the weight accorded a plaintiff's choice of forum; and (9) judicial efficiency  
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4 Factor (1): the defendants and restaurant business in question are located or reside in  
5 Alabama.

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7 Factor (2): presumably, most, if not all witnesses, are located in Alabama.

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17 Factor (7): plaintiff alleges violation of state law – it must be Alabama law, so the  
18 Alabama Federal Courts would be more familiar with same.

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20 Factor (8): the above cited factors would outweigh plaintiff's choice of New York.

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22 Factor (9): judicial efficiency and interests of justice favor change of venue.

23  
24  
25  
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31  
32  

### CONCLUSION

For the above stated reasons, it is respectfully requested that plaintiff's complaint be  
dismissed. In the alternative, it is requested that venue be transferred to a United States District  
Court in the State of Alabama.

Dated: June 22, 2008

\_\_\_\_\_  
LAURENCE H. OLIVE, ESQ.  
Attorney for Defendants

# **EXHIBIT A**

JUDGE CASTEL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CIV 4282

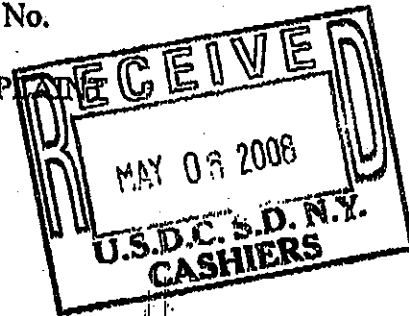
-----X  
SHUIFA YING,  
Plaintiff,

Index No.

v.

COMPLAINT

CHINA CHEF INC.,  
SHIZHONG OU, and LIMING HUANG,  
Defendants.  
-----X



Plaintiff makes the following allegations:

1. From December 2003 to January 2008, Plaintiff SHUIFA YING worked for CHINA CHEF INC., a restaurant located at 27955 Highway 98 Ste U, Daphne, AL 36526, which, among other companies, is owned and controlled by Defendants SHIZHONG OU, and LIMING HUANG.
2. During all relevant time, Plaintiff worked as a cook under inhumane conditions 12 hours per day for monthly wage of \$1500, which was adjusted to \$2600 after four years of labor.
3. The intensity of harsh labor caused Plaintiff suffer spinal pain, diabetes and other medical problems. In March 2007 Plaintiff came to New York City seeking treatment to reduce severe back pain. In March 2008 Plaintiff had spine micro-discectomy surgery in The Mount Sinai Medical Center, located at One Gustave L. Levy Place, New York, New York 10029.
4. After the surgery, Plaintiff continues to seek other treatments in New York including acupuncture to alleviate pain. Because of the spinal pain and distortion, Plaintiff is no longer able to walk normally and is permanently disabled in that he is no longer able to provide labor to earn a living as he did before.
5. Because Defendants consider Plaintiff no longer useful in providing same high-intensity labor due to his much reduced health, Plaintiff was told not to return to his employment after the surgery.
6. To prevent Plaintiff redressing above damages and sufferings, Defendants detained Plaintiff's personal computer, clothes, passport, etc. so that his ability of movement and access to remedy may be confined.

**FIRST CAUSE OF ACTION**

7. As a result of Defendants' knowing violation of state and federal law with regard to worker's protection and minimum wages, Plaintiff suffered following damages:

- a. Wages including over-time payment: \$33,241.40 (Calculated based on over-time federal minimum wage for 188 working weeks.)
- b. Medical expense: \$50,000 (Exact dollar amount upon amendment.)
- c. Pain and suffering: \$100,000
- d. Disability support and severance: \$240,000 (Life remainder expected for 30 years at \$1,000 per month.)

**SECOND CAUSE OF ACTION**

8. As a result of Defendants' tortious employment arrangement, Plaintiff suffered discrimination based on his race and/or national origin, which amounts to servitude in violation of Constitution.

9. As a result of Defendants' bad faith termination of employment, refusal to negotiate compensations for Plaintiff's over-due wages, medical expense, his pain and suffering, disability support and severance, and falsely imprisoning Plaintiff by means of detaining his traveling documents and personal belongings, Plaintiff is further damaged in the form of severe emotional distress intentionally inflicted by Defendants' outrageous acts.

10. For above torts, Plaintiff seeks award, including punitive damages, in the amount of \$1,000,000.

Wherefore, Plaintiff demands judgment as follows:

1. In the First Cause of Action for the amount of \$423,241.40.
2. In the Second Cause of Action for the amount of \$1,000,000.
3. For such other relief as this Court may deem just and equitable.

Plaintiff hereby demands a trial by Jury.

By: Frank Xu  
Frank Xu LLP  
305 Broadway Ste 701  
New York, NY 10007  
Tel: 212/897-5866  
Fax: 212/901-0499  
*Attorney for Plaintiff*



1 LAURENCE H. OLIVE, ESQ. (LO-5598)  
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8 **UNITED STATES DISTRICT COURT**  
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11 SHUIFA YING.,

12 Plaintiff,

CASE NO.  
08 CIV. 4282 (PKC)

13 -against-

14 CHINA CHEF, INC.,  
15 SHIZHONG OU, and LIMING HUANG,  
16 Defendants.

**AFFIDAVIT**

17 STATE OF ALABAMA: ss  
18 COUNTY OF

19 Under penalties of perjury, I, Shi Zhong Ou, do hereby swear and affirm as follows:

20 1. I make this Affidavit in support of the motion of all defendants to either dismiss  
21 plaintiff's complaint, or to change the venue of the case to Alabama.  
22

23 2. The plaintiff is married to my wife's older sister.

24 3. The plaintiff came to the United States in 2003 as an illegal alien.

25 4. At first, he worked in New Jersey, but would come to my home in Alabama for  
26 the Chinese New Year.  
27

28 5. My wife's mother and sister asked me and my wife (co-defendant Liming Huang)  
29 to provide care, food and shelter to the plaintiff at our home in Alabama in 2006 .  
30  
31  
32

1           6.           The plaintiff would come to the restaurant and help out, and we would pay  
2 him for whatever time he worked.  
3

4           7.           During the time that he stayed with us, he discussed with me how he can obtain  
5 a legal status to stay in the United States of America. He told me that the only way for him to  
6 obtain a legal status would be to make illegal fraudulent documents and lie about the date he  
7 entered the US. I strongly disagreed with him and told him that making fraudulent documents  
8 and lying to an immigration judge is a serious offense, but he insisted that he should do it and  
9 left to New York to attend court regarding his immigration case on March of 2007.  
10  
11

12           8. His claims for outstanding wages and the like are completely false and without  
13 foundation.  
14

15           9. During the plaintiff's residency in our home in Alabama, he borrowed \$7,000.00 from  
16 me. He also borrowed an additional \$3,000.00 of my money through my mother in China. None  
17 of these loans have been repaid.  
18

19           10. Both my wife (Li Ming Huang -- the co-defendant) and I reside in Alabama, and the  
20 business, China Chef, Inc. is also located in Alabama.  
21

22           11. All of our witnesses and evidence to rebut plaintiff's claims are in Alabama.  
23

24           12. It would be a hardship for my wife and me to have to litigate this claim in New York.  
25

26           13. My wife and I have read the allegations of the complaint, but they are confusing and  
27 difficult to understand.  
28

29           For the above stated reasons, I respectfully request that complaint be dismissed or the  
30 entire matter be transferred to Federal Court in Alabama.  
31

32           Sworn to and subscribed before me  
this \_\_\_\_ day of June, 2008.

\_\_\_\_\_  
Shi Zhong Ou

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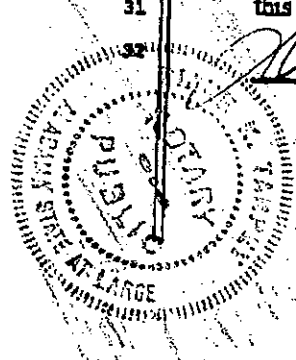
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31 this 1<sup>st</sup> day of June, 2008.

  
Shi Zhong Ou

  
DIANE TARPEY  
Notary Public, State of Alabama - 2 -  
Alabama State At Large  
My Commission Expires  
January 17, 2010

1 LAURENCE H. OLIVE, ESQ. (LO-5598)  
2 128 Mott Street – Suite 706  
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8 **UNITED STATES DISTRICT COURT**  
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CASE NO.  
08 CIV. 4282 (PKC)

12 -against-

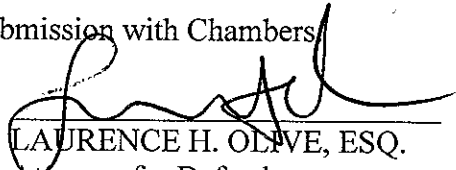
13 CHINA CHEF, INC.,  
14 SHIZHONG OU, and LIMING HUANG,  
15 Defendants.

**AFFIRMATION OF COUNSEL**

16 I, Laurence H. Olive, Esq., declare under penalty of perjury as follows:

- 17
- 18 1. I represent the defendants in the within matter.
- 19 2. On June 18, 2008, I contacted plaintiff's attorney requesting an extension to file the
- 20 within papers.
- 21
- 22 3. He requested a written submission. See attached.
- 23
- 24 4. On June 20, 2008, counsel indicated he had already filed for a default judgment and
- 25 was not predisposed to consent to allow me to file out of time.
- 26
- 27 5. According to the Court docket, no default has been entered as yet.
- 28
- 29 6. Accordingly, I request the Court to consider my filing.
- 30
- 31 7. I will be filing courtesy copies of this submission with Chambers.
- 32

Dated: June 22, 2008

  
LAURENCE H. OLIVE, ESQ.  
Attorney for Defendants

LAURENCE H. OLIVE  
ATTORNEY AT LAW

Larry@OLIVELAW1.com

460 BLOOMFIELD AVENUE  
MONTCLAIR, NEW JERSEY 07042  
Tel: (973) 746 - 6623  
Fax: (973) 746 - 6625

Web site: [www.Olivelaw1.net](http://www.Olivelaw1.net)

Admitted in NJ & NY

128 Mott Street  
New York, New York 10013  
Tel: (212) 608 - 1818  
Fax: (212) 608 - 0505

June 18, 2008 (Revised)

Frank Xu, LLP  
305 Broadway  
New York, NY 10007

Re: Shuifa Ying v. China Chef, etal

Dear Mr. Xu:

This will confirm my conversation with you wherein I confirmed that I will be representing the defendants in the above matter. I have been so retained.

You have advised me that you have requested the entry of a default. I have requested that sign a Consent Order to vacate the default. Please let me know your decision by the end of business tomorrow. Otherwise, I will file a motion.

Thank you.

LHO:ho  
Via fax: 212-901-0499

Yours very truly,

  
LAURENCE H. OLIVE

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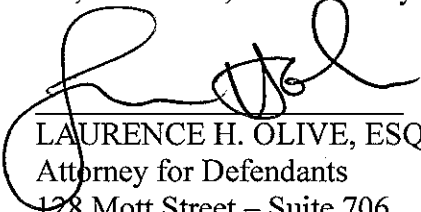
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16 **AFFIRMATION OF SERVICE**

17 I, Laurence H. Olive, Esq., declare under penalty of perjury that I have served a copy of  
18 the attached Notice of Motion, Affirmation of Counsel, Affidavit of Defendant & Memorandum  
19 of Law, upon Frank Xu, LLP, 305 Broadway, Ste 701, New York, NY 10007 by regular mail.

20 Dated: New York, NY  
21 June 22, 2008

22   
23 LAURENCE H. OLIVE, ESQ.  
24 Attorney for Defendants  
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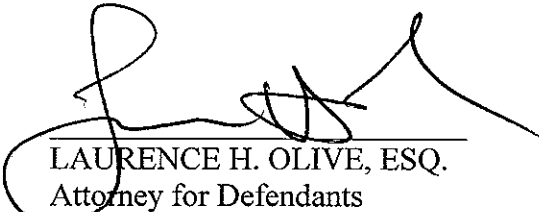
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15 Alabama Federal Courts would be more familiar with same.

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21 CONCLUSION

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23 dismissed. In the alternative, it is requested that venue be transferred to a United States District  
24 Court in the State of Alabama.  
25

26  
27 Dated: June 22, 2008

28 LAURENCE H. OLIVE, ESQ.  
29 Attorney for Defendants  
30  
31  
32

# EXHIBIT A

JUDGE CASTEL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

09 CIV 4282

-----X  
SHUIFA YING,  
Plaintiff,

Index No.

v.

COMPLAINT

CHINA CHEF INC.,  
SHIZHONG OU, and LIMING HUANG,  
Defendants.  
-----X



Plaintiff makes the following allegations:

1. From December 2003 to January 2008, Plaintiff SHUIFA YING worked for CHINA CHEF INC., a restaurant located at 27955 Highway 98 Ste U, Daphne, AL 36526, which, among other companies, is owned and controlled by Defendants SHIZHONG OU, and LIMING HUANG.
2. During all relevant time, Plaintiff worked as a cook under inhumane conditions 12 hours per day for monthly wage of \$1500, which was adjusted to \$2600 after four years of labor.
3. The intensity of harsh labor caused Plaintiff suffer spinal pain, diabetes and other medical problems. In March 2007 Plaintiff came to New York City seeking treatment to reduce severe back pain. In March 2008 Plaintiff had spine micro-discectomy surgery in The Mount Sinai Medical Center, located at One Gustave L. Levy Place, New York, New York 10029.
4. After the surgery, Plaintiff continues to seek other treatments in New York including acupuncture to alleviate pain. Because of the spinal pain and distortion, Plaintiff is no longer able to walk normally and is permanently disabled in that he is no longer able to provide labor to earn a living as he did before.
5. Because Defendants consider Plaintiff no longer useful in providing same high-intensity labor due to his much reduced health, Plaintiff was told not to return to his employment after the surgery.
6. To prevent Plaintiff redressing above damages and sufferings, Defendants detained Plaintiff's personal computer, clothes, passport, etc. so that his ability of movement and access to remedy may be confined.

**FIRST CAUSE OF ACTION**

7. As a result of Defendants' knowing violation of state and federal law with regard to worker's protection and minimum wages, Plaintiff suffered following damages:

- a. Wages including over-time payment: \$33,241.40 (Calculated based on over-time federal minimum wage for 188 working weeks.)
- b. Medical expense: \$50,000 (Exact dollar amount upon amendment.)
- c. Pain and suffering: \$100,000
- d. Disability support and severance: \$240,000 (Life remainder expected for 30 years at \$1,000 per month.)

**SECOND CAUSE OF ACTION**

8. As a result of Defendants' tortious employment arrangement, Plaintiff suffered discrimination based on his race and/or national origin, which amounts to servitude in violation of Constitution.

9. As a result of Defendants' bad faith termination of employment, refusal to negotiate compensations for Plaintiff's over-due wages, medical expense, his pain and suffering, disability support and severance, and falsely imprisoning Plaintiff by means of detaining his traveling documents and personal belongings, Plaintiff is further damaged in the form of severe emotional distress intentionally inflicted by Defendants' outrageous acts.

10. For above torts, Plaintiff seeks award, including punitive damages, in the amount of \$1,000,000.

Wherefore, Plaintiff demands judgment as follows:

1. In the First Cause of Action for the amount of \$423,241.40.
2. In the Second Cause of Action for the amount of \$1,000,000.
3. For such other relief as this Court may deem just and equitable.

Plaintiff hereby demands a trial by Jury.

By: Frank Xu  
Frank Xu LLP  
305 Broadway Ste 701  
New York, NY 10007  
Tel: 212/897-5866  
Fax: 212/901-0499  
*Attorney for Plaintiff*

1 LAURENCE H. OLIVE, ESQ. (LO-5598)  
2 128 Mott Street – Suite 706  
3 New York, New York 10013  
4 212-608-1818  
5 212-608-0505 (fax)  
6 Larry@Olivelaw1.com

7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF NEW YORK**  
10

11 SHUIFA YING.,

12 Plaintiff,

CASE NO.  
08 CIV. 4282 (PKC)

13 -against-

14 CHINA CHEF, INC.,  
15 SHIZHONG OU, and LIMING HUANG,  
16 Defendants.

**AFFIDAVIT**

17 STATE OF ALABAMA: ss  
18 COUNTY OF

19 Under penalties of perjury, I, Shi Zhong Ou, do hereby swear and affirm as follows:

20 1. I make this Affidavit in support of the motion of all defendants to either dismiss  
21 plaintiff's complaint, or to change the venue of the case to Alabama.  
22

23 2. The plaintiff is married to my wife's older sister.

24 3. The plaintiff came to the United States in 2003 as an illegal alien.

25 4. At first, he worked in New Jersey, but would come to my home in Alabama for  
26 the Chinese New Year.  
27

28 5. My wife's mother and sister asked me and my wife (co-defendant Liming Huang)  
29 to provide care, food and shelter to the plaintiff at our home in Alabama in 2006 .  
30  
31  
32

1           6.           The plaintiff would come to the restaurant and help out, and we would pay  
2 him for whatever time he worked.  
3

4           7.           During the time that he stayed with us, he discussed with me how he can obtain  
5 a legal status to stay in the United States of America. He told me that the only way for him to  
6 obtain a legal status would be to make illegal fraudulent documents and lie about the date he  
7 entered the US. I strongly disagreed with him and told him that making fraudulent documents  
8 and lying to an immigration judge is a serious offense, but he insisted that he should do it and  
9 left to New York to attend court regarding his immigration case on March of 2007.  
10

11           8. His claims for outstanding wages and the like are completely false and without  
12 foundation.  
13

14           9. During the plaintiff's residency in our home in Alabama, he borrowed \$7,000.00 from  
15 me. He also borrowed an additional \$3,000.00 of my money through my mother in China. None  
16 of these loans have been repaid.  
17

18           10. Both my wife (Li Ming Huang -- the co-defendant) and I reside in Alabama, and the  
19 business, China Chef, Inc. is also located in Alabama.  
20

21           11. All of our witnesses and evidence to rebut plaintiff's claims are in Alabama.  
22

23           12. It would be a hardship for my wife and me to have to litigate this claim in New York.  
24

25           13. My wife and I have read the allegations of the complaint, but they are confusing and  
26 difficult to understand.

27           For the above stated reasons, I respectfully request that complaint be dismissed or the  
28 entire matter be transferred to Federal Court in Alabama.  
29

30           Sworn to and subscribed before me  
31 this \_\_\_\_ day of June, 2008.

\_\_\_\_\_  
Shi Zhong Ou



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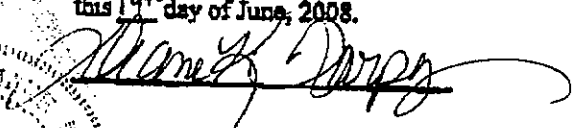
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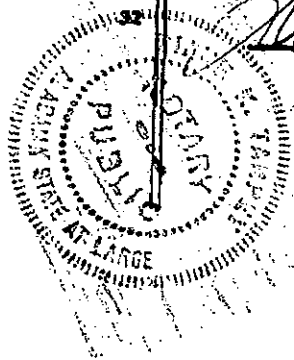
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28 entire matter be transferred to Federal Court in Alabama.  
29

30 Sworn to and subscribed before me  
31 this 1<sup>st</sup> day of June, 2008.

  
Shi Zhong Ou

  
DIANE TARPEY  
Notary Public, State of Alabama - 2 -  
Alabama State At Large  
My Commission Expires  
January 17, 2010



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6 Larry@Olivelaw1.com

7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF NEW YORK**

10 SHUIFA YING.,

11 Plaintiff,

CASE NO.  
08 CIV. 4282 (PKC)

12 -against-

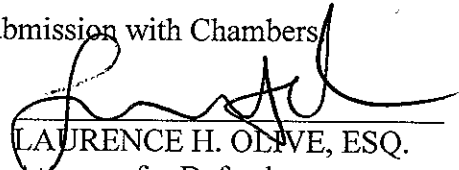
13 CHINA CHEF, INC.,  
14 SHIZHONG OU, and LIMING HUANG,  
15 Defendants.

**AFFIRMATION OF COUNSEL**

16 I, Laurence H. Olive, Esq., declare under penalty of perjury as follows:

- 17
- 18 1. I represent the defendants in the within matter.
- 19 2. On June 18, 2008, I contacted plaintiff's attorney requesting an extension to file the
- 20 within papers.
- 21
- 22 3. He requested a written submission. See attached.
- 23
- 24 4. On June 20, 2008, counsel indicated he had already filed for a default judgment and
- 25 was not predisposed to consent to allow me to file out of time.
- 26
- 27 5. According to the Court docket, no default has been entered as yet.
- 28
- 29 6. Accordingly, I request the Court to consider my filing.
- 30
- 31 7. I will be filing courtesy copies of this submission with Chambers.
- 32

Dated: June 22, 2008

  
LAURENCE H. OLIVE, ESQ.  
Attorney for Defendants

LAURENCE H. OLIVE  
ATTORNEY AT LAW

Larry@OLIVELAW1.com

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Admitted in NJ & NY

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Fax: (212) 608 - 0505

June 18, 2008 (Revised)

Frank Xu, LLP  
305 Broadway  
New York, NY 10007

Re: Shuifa Ying v. China Chef, etal

Dear Mr. Xu:

This will confirm my conversation with you wherein I confirmed that I will be representing the defendants in the above matter. I have been so retained.

You have advised me that you have requested the entry of a default. I have requested that sign a Consent Order to vacate the default. Please let me know your decision by the end of business tomorrow. Otherwise, I will file a motion.

Thank you.

LHO:ho  
Via fax: 212-901-0499

Yours very truly,

  
LAURENCE H. OLIVE

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2 128 Mott Street – Suite 706  
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4 212-608-1818  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

7  
8 SHUIFA YING.,

9 Plaintiff,

CASE NO.  
08 CIV. 4282 (PKC)

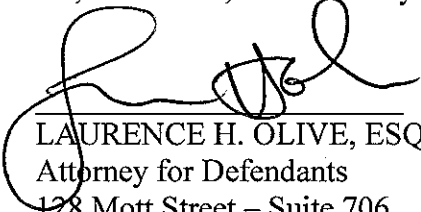
10  
11 -against-

12  
13 CHINA CHEF, INC.,  
14 SHIZHONG OU, and LIMING HUANG,  
15 Defendants.

**AFFIRMATION OF SERVICE**

16  
17 I, Laurence H. Olive, Esq., declare under penalty of perjury that I have served a copy of  
18 the attached Notice of Motion, Affirmation of Counsel, Affidavit of Defendant & Memorandum  
19 of Law, upon Frank Xu, LLP, 305 Broadway, Ste 701, New York, NY 10007 by regular mail.

20  
21 Dated: New York, NY  
22 June 22, 2008

23   
24 LAURENCE H. OLIVE, ESQ.  
25 Attorney for Defendants  
26 128 Mott Street – Suite 706  
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